

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 25, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Aragon, J. (Assigned) and C. Hon, Deputy Clerk.

Each of the following:

B130669/B133176 Babcock et al. v. Maikisch et al.
B131255 People v. Arriola & Corona
B132349 Lifetime Recovery v. Brentwood Equities
B132903 People v. Porter
B133210 People v. Wellington
B133793 People v. Ibarra
B134018 People v. Barboza
B134061 Sanwa Bank v. Kato et al.
B134080 People v. Smith
B134119 People v. Alcantar
B134464 People v. Salazar
B134589 People v. Martinez
B134769 People v. Jones
B135264 People v. Moore
B135272 People v. Ashford
B135453 People v. Aguado
B135648 People v. Ferrell
B136307 People v. Taft
B136562 People v. Rosas
B136939 People v. Ojeda
B137172 D.C.F.S. v. Audrey H.
B137399 People v. Ameer A.
B137778 People v. Payne
B137933 People v. Quinones
B138869 People v. Jetson
B140582 Donna D. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B135314 People
 v.
 Jara

Merits:

Argued by A. William Bartz, Jr. for appellant and by Jim Hart, deputy attorney general, for respondent. Cause submitted.

B136057 People
 v.
 Miguel H.

Merits:

Argued by Doris S. Browning for appellant and by John Yang, deputy attorney general, for respondent. Cause submitted.

B141395 Trope and Trope
 v.
 Superior Court, Los Angeles County
 (Cheryl C. Sherman et al., r.p.i.)

Merits:

Argued by Thomas Paine Dunlap for petitioner and by Valerie I. Horn for real parties in interest. Cause submitted.

Ortega, J. leaves the bench.

B135449 People
 v.
 Fabricant

Merits:

Argued by Danny Fabricant, appellant in propria persona, and by Arthur H. Auerbach, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B129389 People
 v.
 Oberstein

Merits:

Argued by Anthony J. Dain for appellant and by Analee J. Nations, deputy attorney general, for respondent. Cause submitted.

Ortega, J. returns to the bench.

Vogel (Miriam A.), J. leaves the bench.

B136193 Chelew et al.
 v.
 Hill, Farrer & Burrill et al.

Merits:

Argued by William Beverly for appellants and by Mitch Mulbarger for respondents. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

B126470 Romero
 v.
 Rojas

Merits:

Argued by Jose Escano for appellant and by Krishna Malhotra for respondent. Cause submitted.

B133757 People
 v.
 Robinson

Merits:

Argued by Donald R. Tickle for appellant and by Susan Kim, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B132821 People
 v.
 Eley

Merits:

Argued by David H. Goodwin for appellant and by David A. Wildman, deputy attorney general, for respondent. Cause submitted.

B138215 People
 v.
 Golden

Merits:

Argued by Judith Kahn for appellant and by Richard Breen, deputy attorney general, for respondent. Cause submitted.

B137129 Concerned Brentwood Homeowners and Residents
 v.
 City Of Los Angeles et al.

Merits:

Argued by Fred Gaines for appellant, by Jack Brown, deputy city attorney, for respondent City of Los Angeles and by Donna R. Black for respondent Archer School For Girls. Cause submitted.

Vogel (Miriam A.), J. leaves the bench.

B132332 Harbor Gate Homeowners Association
 v.
 Harborage et al.

Merits:

Argued by Steven J. Revitz for appellants and by Ravi Sudan for respondents. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

DIVISION ONE (Continued)

Aragon, J. (Assigned) leaves the bench.

B140197 Oakwood Capital Management et al.
 v.
 Superior Court, Los Angeles County
 (RNC Capital Management, r.p.i.)

Merits:

Argued by Mark Baute for petitioners and by Richard P. Levy for real party
in interest. Cause submitted.

Aragon, J. (Assigned) returns to the bench.

Spencer, P.J. leaves the bench.

B130274 Shortz
 v.
 Rogers & Wells

Merits:

Argued by James B. Kropff for appellant and by Dennis Kinnaird for
respondent. Cause submitted.

B126209 Barbanell
 v.
 Martinis et al.

Merits:

Argued by Gary Brown for appellant and by Edward J. Horowitz for
appellants. Cause submitted.

Court adjourned at 11:55 A.M.

B133788 Aardvark Corporation
 v.
 Coria

Filed order denying petition for rehearing.

DIVISION ONE (Continued)

[illegible]

The order under review is affirmed.

Aragon, J. (Assigned)

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B141305 Charles Mathews et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Deborah A. Smillie, r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of April 17, 2000, denying petitioner's motion for summary judgment, and to issue a new and different order granting same, in Los Angeles Superior Court case BC189698, entitled Deborah A. Smillie v. Law Offices of Charles T. Mathews et al. All Parties shall bear their own costs.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION THREE

B132007 Louise Gardens of Encino (Certified for Publication)
Homeowners' Association, Inc.
v.
Truck Insurance Exchange

The judgment is affirmed. Truck shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

B117017 Hiram Ash (Not for Publication)
v.
Trude Lee Ash et al.

The order appealed from is affirmed. Respondents to recover costs on appeal from Ash.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION SIX

B142474 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B134524 People (Not for Publication)
v.
Melara & Garcia

The judgment is modified in the following respects: (1) appellants' five-year concurrent terms for second degree robbery (count 2) are stayed pursuant to section 654; (2) appellants' \$200 fines under section 1202.45 are stricken. The superior court is directed to modify the abstracts of judgment accordingly and forward the copies to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B142322 Martin-Decker Totco (Not for Publication)
v.
Ventura County Superior Court
(Bentley Simonson, Inc., r.p.i.)

Let a peremptory writ of mandate issue commanding respondent court to set aside its order of June 13, 2000, denying petitioner's motion for counsel to appeal pro hac vice and to enter a new order granting said motion. In light of time constraints, this order is final forthwith. Each party shall bear its own costs.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (Continued)

B135269 People (Certified for Publication)
v.
Jones

The judgment is reversed on count 1, second degree murder, but otherwise affirmed. The matter is remanded for further proceedings consistent with this opinion.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B134579 People (Not for Publication)
v.
Wilson

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B134657 People (Not for Publication)
v.
Garcia

The sentence imposed on count 2 for receiving stolen property is ordered stayed pursuant to section 654, such stay to become permanent upon completion of the sentence as to count 1 for residential burglary. The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

B137508 People (Not for Publication)
v.
Shinn

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.